

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

BERNADINE D SOILEAU

CASE NO. 6:19-CV-00537

VERSUS

JUDGE JUNEAU

MIDSOUTH BANCORP INC ET AL

MAGISTRATE JUDGE HANNA

ORDER

Before the Court is the Motion to Set Aside Default filed on behalf of John Soileau, Jr. (Rec. Doc. 62). Midsouth Bank N.A., which filed the Third-Party Demand against Mr. Soileau, does not oppose the Motion.

The court may set aside an entry of default for good cause. Rule 55(c). The Fifth Circuit set forth the general standard applicable to setting aside the entry of default as follows:

[F]ederal courts should not be agnostic with respect to the entry of default judgments, which are “generally disfavored in the law” and thus “should not be granted on the claim, without more, that the defendant had failed to meet a procedural time requirement.” Thus, “where there are no intervening equities any doubt should, as a general proposition, be resolved in favor of the movant to the end of securing a trial upon the merits.”

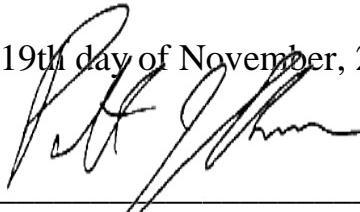
To determine whether good cause to set aside a default exists—a “decision necessarily ... informed by equitable principles”—“we have found it useful to consider three factors ... [:] whether the default was willful, whether setting it aside would prejudice the adversary, and whether a meritorious defense is presented.” Other factors may also be considered, including whether “the defendant acted expeditiously to correct the default.”

Lacy v. Sitel Corp., 227 F.3d 290, 292 (5th Cir. 2000) (Citations omitted.)

The Court finds that good cause exists for setting aside the default entered against Mr. Soileau, who was not represented by counsel until recently. Because Midsouth does not object to the setting aside of the default, the Court interprets that Midsouth will not be prejudiced by this order. Further, there is no evidence that Mr. Soileau's default was willful. Accordingly,

IT IS ORDERED that the entry of default against John Soileau, Jr. be set aside.

Signed at Lafayette, Louisiana on this 19th day of November, 2020.



PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE